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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,719	10/30/2001	David Justin Ross	29094/14:2	2644
7590	11/02/2006		EXAMINER	
Christopher V. Panoff STOEL RIVES LLP 900 SW Fifth Avenue, Suite 2600 Portland, OR 97204-1268			ZIA, SYED	
			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/003,719	ROSS, DAVID JUSTIN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Syed Zia	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 August 2006.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____.                                     |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____.                         |

## DETAILED ACTION

This office action is in response to application filed on August 09, 2006. Original application contained Claims 1-5. Applicant currently amended Claim 1, and added new Claims 6-15. Therefore, Claims 1-15 are pending for further consideration.

### *Response to Arguments*

Applicant's arguments filed on August 09, 2006 have been fully considered but they are not persuasive because of the following reasons:

Regarding Claims 1-15 applicants argued that the system of cited prior arts [Walker et al. U. S. Patent 5,884,270] discloses how to use the release of confidential or sensitive information as a method for establishing anonymous communications. It can run employer search criteria against the "party database" to find suitable candidates for employment. See Walker Fig. 2B. Walker can list data that "has been verified" (See Fig. 2C), but it does not teach "*how to effectively verify or authenticate a subject's identity as in the present invention*". Applicant also argued that cited prior art does not teach, "*all parties to the system can manage and control the release of any or all information about themselves or their identities*".

This is not found persuasive. The system of cited prior art does teach and describe a controlled release of information in communication system that has database holding data on parties including definition of when and what information can be released to other parties. The method involves securely maintaining party data corresponding to at least one party, in the system.

When a request is received from a requestor, for party data that are securely maintained in the system. Each party is queried to specify which respective party data the system is authorized to release to a requestor. Only the requested party data that the respective parties have authorized is transmitted to the requestor, while the anonymity of the respective parties is securely maintained. Preferably party data about at least one party is maintained in a database. Therefore, this system allows user to exercise control over information release to others, and anonymous communications.

As a result, cited prior art does implement and teaches a system for remote user authentication employing information stored in multiple, independently controlled databases.

Applicants still have failed to explicitly identify specific claim limitations, which would define a patentable distinction over prior arts.

The examiner is not trying to teach the invention but is merely trying to interpret the claim language in its broadest and reasonable meaning. The examiner will not interpret to read narrowly the claim language to read exactly from the specification, but will interpret the claim language in the broadest reasonable interpretation in view of the specification. Therefore, the examiner asserts that cited prior art does teach or suggest the subject matter broadly recited in independent and subsequent dependent claims. Accordingly, rejections for Claims 1-16 are respectfully maintained.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al. (U. S. Patent 5,884,270).

1. Regarding Claim 1 Walker et al. teach and describe an user authentication system (Fig1-2, abstract) comprising: a

an authentication client for requesting authentication of a subject (col.7 line 33 to line 52, and col.15 line 26 to line 50);

a user interface to receive the authentication request from the authentication client (col.9 line 35 to line 42);

multiple independently operated databases, each database storing information associated with the subject, the associated information being accessible through predefined queries to identify the subject (Fig.2A, col.7 line 53 to line 62, and col.15 line 56 to line 67);

and a verification engine for facilitating authentication of the subject by receiving the authentication request, selecting one or more of the predefined queries, presenting the one or more selected queries to the subject via the authenticating client, receiving from the subject an answer to each of the one or more selected queries, and presenting the answer to the multiple

independently operated databases for a validation response (col.8 line 7 to col.9 line 5, and col.16 line to line 20).

2. Regarding Claim 4 Walker et al. teach and describe an authentication system (Fig1-2, abstract) comprising:

an authentication client for desiring authentication of an authentication subject (col.7 line 33 to line 52, and col.15 line 26 to line 50);

a plurality of independent database systems storing information identifying the authentication subject, the identifying information being accessible through predefined queries (Fig.2A, col.7 line 53 to line 62, and col.15 line 56 to line 67);

and a verification engine to receive from the authentication subject, via the authentication client, an answer to each of the predefined queries, to obtain from each of the plurality of independent database systems a corresponding authentication confidence for each answer, and to combine the corresponding authentication confidence for each answer into a combined authentication confidence (col.8 line 7 to col.9 line 5, and col.16 line to line 20).

3. Regarding Claim 5 Walker teach and describe user authorization method (Fig1-2, abstract) comprising the steps of:

presenting to an authentication subject one or more predefined queries from each of multiple independent databases of identifying information (col.9 line 35 to line 42); receiving

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from the authentication subject an answer to each of the selected queries (Fig.2A, col.7 line 53 to line 62, and col.15 line 56 to line 67);

presenting each answer to at least one of the multiple independent databases that has corresponding identifying information; obtaining from the multiple independent databases an authentication confidence level for each answer; and combining the authentication confidence level for each answer into a combined confidence level for authenticating the authentication subject (Fig.2A, col.7 line 53 to line 62, and, and col.8 line 7 to col.9 line 5, col.15 line 56 to line 67, and col.16 line to line 20).

4. Regarding Claim 6 Walker teach and describe method of authenticating the putative identity of a subject who is an individual, the method comprising the steps of: providing a database interface for interacting with an independent, remote, third-party database without storing any significant portion of the third-party database locally, and wherein the interaction is limited to submitting a query among a predetermined set of permitted types of queries, and receiving from the third-party database a response to the permitted query; receiving identifying information associated with the subject to authenticate his identity, the received identifying information including at least one item of information sufficient to form one of the permitted types of queries; forming a permitted type of query based on the received identifying information; transmitting the formed query to the remote, third-party database; and receiving a response from the remote, third-party database wherein the database interface does not otherwise provide access to the remote, third-party database, so that privacy of the remote,

third-party database content remains under control of its owner (Fig.2A , col.7 line 33 to col.9 line 35 and, col.15 line 26 to, col.16 line 20 to line 42).

4. Claims 2-3, and 7-15 are rejected applied as above rejecting Claim 1. Furthermore, Walker teach and describe a system a method wherein:

As per Claim 2 the associated information in the multiple independently operated databases includes out-of-wallet data identifying the subject (col.8 line 51 to col.9 line 5).

As per Claim 3 further comprising a personal information database coupled to the verification engine, the personal information database containing in-wallet data identifying the subject (col.16 line 45 to col.17 line 5).

As per Claim 7, said permitted types of queries are defined in advance by agreement with an owner of the independent, remote, third-party database (col.7 line 8 to line 22).

As per Claim 8, said receiving the identifying information associated with the subject transpires in a live interaction with the subject in person (col.7 line 53 to line 62).

As per Claim 9, receiving the identifying information associated with the subject is through a computer network (Fig.2A).

As per Claim 10, receiving the identifying information associated with the subject via the Internet (Fig.1-2).

As per Claim 11, the database interface enables interaction with multiple independent, remote, third-party databases without storing any significant portion of any of said databases

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locally, so that privacy of the remote, third-party database contents remain under control of their respective owners (col.7 line 63 to col.8 line 19).

As per Claim 12, receiving responses from a plurality of the remote, third-party databases and assembling the responses from the multiple databases to form a result (col.7 line 63 to col.9 line 5).

As per Claim 13, the associated identifying information in the database includes out-of-wallet data associated with the subject (col.8 line 51 to col.9 line 5).

As per Claim 14, presenting a predetermined question to the subject; receiving an answer to the question; and forming the database query responsive to the answer received (col.16 line 15 to line 21).

As per Claim 15, forming a second question responsive to the response from the remote, third-party database; presenting the second question to the subject; and forming another database query responsive to the answer to the second question (col.16 line 15 to line 21).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 571-272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sz

October 18, 2006

Syed Zia  
REVIEWED  
10/18/06